

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action dated January 22, 2009. Claims 1-20 are currently pending, of which claims 1 and 13 have been amended herein, claims 3 and 15 have been cancelled, and claims 10-12 and 16 have previously been withdrawn. Applicant respectfully requests early and favorable reconsideration of this application.

The Office Action rejected claims 1, 2 ,6, 13, 14, and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,496,332 to Sierra et al. (hereinafter “Sierra”). Applicant disagrees that claims 1, 2, 6, 13, 14 and 18 are anticipated by Sierra. Specifically, Sierra fails to disclose: “the sutures being threaded through the expandable anchor; and d) a plurality of needle anchors, wherein each needle anchor of the plurality of needle anchors is attached to a distal end of a corresponding one of the plurality of sutures.”

Applicant respectfully submits that independent claims 1 and 13, as amended, are allowable over Sierra as Sierra fails to disclose each and every element of independent claims 1 and 13. Accordingly the rejection of independent claims 1 and 13, under 35 U.S.C. § 102(b) is respectfully traversed.

The Office Action stated that defendant claims 3-5, 7-9, 15-17, and 19-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claims 1 and 13 to include the limitations of dependent claims 3 and 15, respectfully.

Independent claims 1 and 13, as amended, each recite a device for joining a first body vessel and a second body vessel including, *inter alia*, “a cartridge having a distal end and defining a longitudinal axis wherein the cartridge wherein the cartridge comprises an inner

member and an outer member having a lumen dimensioned to receive the inner member, the sutures being disposed in channels formed in the inner member.”

Accordingly, Applicant submits amended claims 1 and 13 are allowable over Sierra.

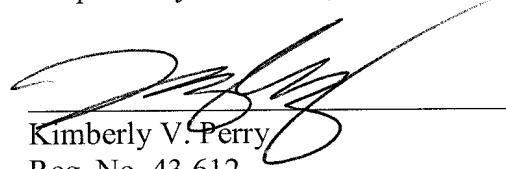
As claims 2, 4- 6, 7-9, 14, 15, 17, 19 and 20 also contain all the limitations of claims 1 or 13, respectively and depend directly or indirectly from claims 1 or claims 13, Applicant submits that claims 2, 4-6, 7-9, 14, 15, 17, 19 and 20 are allowable.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, or resolve any outstanding matters, the Examiner is sincerely invited to contact the Applicant at the number indicated below. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 1, 2, 4-9, 13-14 and 17-20 is earnestly solicited.

Respectfully submitted,

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